

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 15, 2000

IN RE:

**PETITION OF BOULEVARD MEDIA, INC.
FOR ALLOCATION N11 DIALING CODES**

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DOCKET NO. 00-00484

ORDER DISMISSING PETITION

This matter came before the Tennessee Regulatory Authority (the "Authority") at the regularly scheduled Authority Conference held on July 11, 2000 upon the Petition (the "Petition") of Boulevard Media, Inc. ("Boulevard") for allocation of N11 abbreviated dialing codes¹ pursuant to BellSouth Telecommunications, Inc.'s ("BellSouth") General Subscriber Services Tariff A39 (Abbreviated Dialing) ("BellSouth's Tariff").

Boulevard's Petition

Boulevard filed its Petition on June 8, 2000. The Petition states that Boulevard is a Colorado corporation duly qualified and authorized to do business in Tennessee. As stated in Boulevard's Petition,

[Boulevard's] information services focus on state-of-the-art interactive communication technology permitting consumers to connect simultaneously by telephone with hundreds of other consumers in the same local calling area in private and convenient social environments.

¹ As explained in the Interim Order of the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892, entered on October 20, 1993, "N11 refers to a subset of dialing codes used in the public telephone network which begin with any number between 2 and 9 and are followed by two ones."

[Boulevard] also provides specialized voicemail features as well as live connections that permit the access of messages, recording and response.²

Boulevard states in its Petition that it seeks allocation by the Authority of the 511 abbreviated dialing code, if available, in the Nashville, Memphis, and Chattanooga calling areas.³

Findings

Pursuant to section 251(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, the Federal Communications Commission ("FCC") has exclusive jurisdiction over numbering administration, and over those portions of the North American Numbering Plan that pertain to the United States.⁴ At the time this matter came before the Authority for consideration of Boulevard's Petition, and indeed at the time Boulevard filed its Petition, two petitions for N11 codes were pending before the FCC. The United States Department of Transportation filed a petition with the FCC on March 8, 1999 to allocate the 511 code nationwide for its proposed Advanced Traveler Information Service. The United Way also petitioned the FCC to assign the 211 code nationwide for access to community services.

² Boulevard's Petition, June 8, 1999, at 2.

³ Boulevard's Petition, June 8, 1999, at 2. At the Authority Conference held on February 1, 2000, the Authority allocated the 211 code in Knoxville to Knoxville Information and Referral, Inc. See Order of July 14, 2000 in Docket No. 99-00743. As a result of Authority action in Docket Nos. 99-00743 and 98-00554, National Telephone Enterprises has been assigned use of the 211 code in Nashville, Memphis, and Chattanooga and the 511 code in Knoxville. Both of these allocations were accompanied by the provision that N11 numbers are subject to recall from general use on six months notice or by order of the Federal Communications Commission or any requirement established by the Administrator of the North American Numbering Plan.

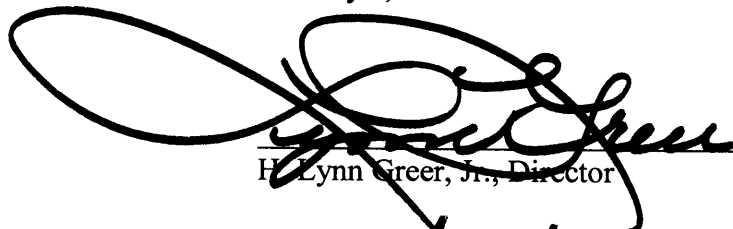
⁴ 47 U.S.C. § 251(e)(1). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (amending the Communications Act of 1934, 47 U.S.C. § 151 et seq.).

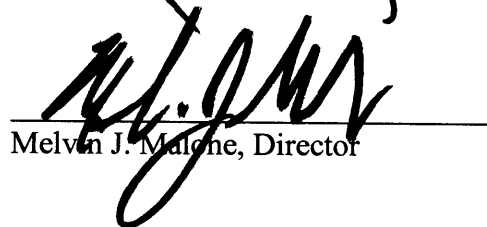
In deference to the FCC's exclusive jurisdiction over the assignment of abbreviated dialing codes and the fact that the FCC was at the time considering a petition seeking the allocation of the 511 code, the Directors voted unanimously at the July 11, 2000 Authority Conference to dismiss Boulevard's Petition without prejudice. In dismissing the Petition without prejudice, the Authority advised Boulevard that it could refile its Petition if the FCC decided not to assign the 511 code.⁵

IT IS THEREFORE ORDERED THAT:

1. The Petition of Boulevard Media, Inc. for allocation of the N11 dialing code 511 in the Nashville, Chattanooga, and Memphis calling areas is denied without prejudice.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary

⁵ Since the July 11, 2000 Conference, however, the FCC has assigned both the 511 and 211 abbreviated dialing codes for nationwide use. The 211 code was assigned to community information and referral services, and the 511 code was assigned for traffic and transportation information. *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-205, *Third Report and Order and Order on Reconsideration*, Federal Communications Commission, July 31, 2000.